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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,071	04/08/2004	Kiyoshi Aida	450100-03204.1	2069

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EXAMINER

HWANG, JOON H

ART UNIT	PAPER NUMBER
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2166

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/822,071

Applicant(s)

AIDA ET AL.

Examiner

Joon H. Hwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The applicants amended claims 20, 24, and 28 in the amendment filed on 11/29/06.

The pending claims are 20-31.

Response to Arguments

2. Applicant's arguments with respect to claims 20, 24, and 28 have been considered but are moot in view of the new ground(s) of rejection.

The applicants added in claims 20, 24, and 28 the limitations of "a user can specify a location of another database having said updatable content searchable by said key data, said another database being different from said database". These limitations are addressed in the following rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 20-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Use of "can" in 11th line of claim 20, 14th line of claim 24, and 15th line of claim 28 cause the claim limitation being indefinite. Claims 21-23, 25-27, and 29-31 are likewise rejected.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yankowski (U.S. Patent No. 5,751,672) in view of Levy et al. (U.S. Patent No. 6,505,160), and further in view of Bailey et al. (U.S. Patent No. 6,785,671).

With respect to claim 20, Yankowski teaches a database (i.e., a local database 36 in fig. 2) having updatable content containing information relating to a media (i.e., downloading contents updates, lines 18-23 in col. 2 and lines 4-13 in col. 9), searchable by key data generated as a function of information stored at a predetermined place of said media (i.e., fingerprint, lines 37-63 in col. 5 and lines 25-44 in col. 6), said content including an address of a server relating to the media (i.e., a remote database is accessed via Internet, fig. 2, fig. 7, lines 25-67 in col. 2, line 9 in col. 8 thru line 36 in col. 9, and line 44 in col. 11 thru line 57 in col. 12). Yankowski teaches a database can include more detailed information, such as composer, producer, as well as any other information, which might be of value to a user (lines 35-51 in col. 7). Yankowski teaches the database is maintained by commercial ventures or other sources (lines 4-51 in col. 7). Yankowski teaches means for obtaining from the server, through the Internet, information relating to the media (i.e., obtaining information relating to the

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media from the remote database, lines 4-51 in col. 7). Yankowski teaches means for updating the content of the database at any time through the Internet (i.e., downloading contents updates, lines 18-23 in col. 2 and lines 4-13 in col. 9). Yankowski does not explicitly disclose an address of a website relating to the media. However, Levy teaches an address of a website relating to the media, the website address being different than the server address (lines 38-61 in col. 2, lines 40-61 in col. 4, lines 51-61 in col. 5, lines 43-59 in col. 6, and lines 39-63 in col. 7). Levy teaches means for accessing, through the Internet, the website at the address of the website obtained from the server (lines 38-61 in col. 2, lines 40-61 in col. 4, lines 51-61 in col. 5, lines 43-59 in col. 6, and lines 39-63 in col. 7). Levy also teaches means for updating the content of the database at any time through the Internet by connecting the database to the address of the website (i.e., pull model updates, lines 23-49 in col. 11). Therefore, based on Yankowski in view of Levy, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Levy to the system of Yankowski in order to provide an additional opportunity to promote services or goods related to the media to a user. Yankowski teaches another database (i.e., a remote database 50 in fig. 2) having said updatable content searchable by said key data, said another database being different from said database included in said information acquiring apparatus (lines 4-16 in col. 7). Yankowski and Levy do not explicitly disclose a user can specify a location of another database. However, Bailey teaches a user being able to specify a location of another database (fig. 1, fig. 2, and lines 36-48 in col. 4, lines 52-63 in col. 7) in order to assist a user in locating information from which

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particular products can be purchased (line 66 in col. 3 thru line 1 in col. 4). Therefore, based on Yankowski in view of Levy and further in view of Bailey, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Bailey to the system of Yankowski in order to assist a user in locating information from which particular products can be purchased.

With respect to claim 21, Yankowski teaches means for inquiring a user, before obtaining more detailed information, whether an access to a server is acceptable (lines 26-65 in col. 8).

With respect to claim 22, Yankowski teaches generating the key data (fingerprint) by calculating a portion of index data (TOC) of the media in a predetermined manner (lines 55-60 in col. 1, lines 34-37 in col. 2, lines 37-63 in col. 5, and lines 25-44 in col. 6).

With respect to claim 23, Levy further teaches the website provides a service so that a user can directly purchase another media or good relating to the media via the website (lines 38-61 in col. 2, lines 40-61 in col. 4, lines 51-61 in col. 5, lines 43-59 in col. 6, and lines 39-63 in col. 7). Therefore, the limitations of claim 23 are rejected in the analysis of claim 20 above, and the claim is rejected on that basis.

Claims 24-27 are essentially the same as claims 20-23 except that it sets forth the claimed invention as a method rather than an apparatus and rejected for the same reasons as applied hereinabove.

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Claims 28-31 are essentially the same as claims 20-23 except that it sets forth the claimed invention as a program rather than an apparatus and rejected for the same reasons as applied hereinabove.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

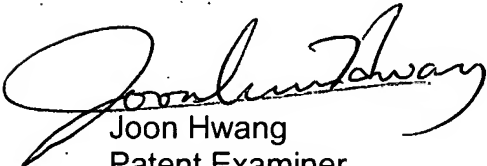
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M~F).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joon Hwang
Patent Examiner
Technology Center 2100

2/9/2007